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TC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/215,737	07/24/00	ROBERT	10-1668-12-01

09/215,737  
CITICORP BANK, TRUSTEE, RICH G. SCHIFFEN  
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NEW YORK NY 10020-3208

EXAMINER
REVIEWING

ART UNIT	PAPER NUMBER
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00020  
DATE MAILED:  
10/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/512,497	KINZER ET AL.
	Examiner	Art Unit
	Ahmed N Sefer	2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 October 2001 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) 21 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I in Paper No. 5 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba et al. US Patent No. 5,321,289 in view of Kinzer et al US Patent No. 6,194,741.

Baba et al disclose in fig. 1B a Mosgated device comprising a semiconductor substrate 10 of N+ conductivity and having an upper planar surface; a channel diffusion region 12 of P conductivity which extends into said upper planar surface of said substrate and to a first depth below said surface; a source diffusion 13 of N+ conductivity which extends into said substrate to a second depth which is less than the first depth; a plurality of spaced trenches 14 formed into said substrate and into its said planar surface to a third depth below said substrate surface which is greater than said first depth; an insulation gate layer 15 formed on the walls of said plurality of trenches at least in the areas between said first and second depths; conductive gate bodies disposed within the interiors of each of said trenches; a source contact S connected to

said source diffusion region at a location on said upper planar surface which is completely laterally removed from said plurality of trenches; a drain contact D connected to said substrate.

Kinzer et al disclose in figs. 3 and 4 a plurality of narrow, spaced conductive gate strips 61 disposed atop an insulation gate layer 60 and extending across and contacting conductive bodies.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate Kinzer's teachings with Baba et al, since that would prevent a snapback.

As for claim 2, Baba et al disclose in fig. 1A a plurality of spaced trenches which are parallel to one another and are coextensive with one another.

As for claim 3, Baba et al disclose in fig. 1A a plurality of spaced trenches formed in a plurality of spaced rows and are parallel to one another and are coextensive with one another within each row.

As to claim 10, Baba et al disclose (see col. 2, lines 35-39) an oxide gate insulation layer fully covering the interior of each said trenches and wherein each said conductive bodies is polysilicon which completely fills each of said trench and is insulated from said substrate, but does not specifically disclose a thickness range of the insulation layer. However, it would have been obvious to use a thickness range of about 200 Å, since the described limitation would have been considered an optimization or workable range involving a routine skill in the art.

As to claim 11, Baba et al disclose in fig. 1B a source contact connected to a channel region and to a source region.

As to claims 4-9, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

As to claim 12, Baba et al disclose in fig. 1B Baba et al disclose in fig. 1B a Mosgated device comprising a semiconductor substrate 10 of N+ conductivity and having an upper surface; at least first and second invertible vertical channel forming trenches 14 formed through said upper surface and into said substrate for a first depth; a gate oxide 15 coating the interior walls of said at least first and second trenches; channel region 12 of P conductivity disposed adjacent to a portion of the length of the walls of said first and second trenches and to a second depth below said upper surface, said second depth being less than said first depth; a shallow source 13 which extends from said upper surface and into said substrate for a third depth; said third depth being less than said second depth; first and second polysilicon layers G filling said at least first and second trenches respectively and which are insulated from said substrate.

Kinzer et al disclose in figs. 1 and 2 at least one narrow conductive gate strip 34 disposed atop an insulation gate layer 31 and extending across and contacting conductive polysilicon gate terminals.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate Kinzer's teachings with Baba et al, since that would prevent a snapback.

4. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba et al in view of Huang US Patent No. 6,110,799.

Baba et al disclose all the claimed subject matter including a source contact S which is fully laterally spaced from an upper surface which is connected to a source region 13 at a location remote from first and second trenches 14, but does not specifically disclose the location of said source contact.

However, Huang discloses in fig. 9, a source contact 36 located between first and second trenches. Therefore, it would have been obvious to locate a source contact between two trenches, since that would maximize its contact.

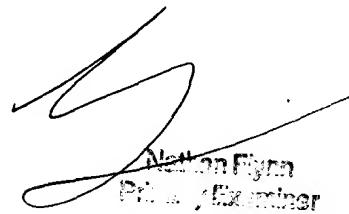
As to claims 14 and 20, Baba et al disclose a source contact connected to a channel region at said remote location.

As to claims 15-19, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmed N Sefer whose telephone number is (703) 605-1227.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on (703) 308-6601.

ANS  
October 26, 2001



A handwritten signature in black ink, appearing to read "Nathan Flynn". Below the signature, the text "Patent Examiner" is printed in a smaller, sans-serif font.